



UNITED STATES DEPARTMENT OF COMMERCE
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EXAMINER

CARROLL, J

ART UNIT

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06/02/99

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

We have entered as Paper No. 32 the APPEAL BRIEF filed 15 March 1999.

Notification of Noncompliance with the Requirements of 37 CFR 1.192(c)

The Appellant failed to itemize pending Claims 49 and 63 under Section VII. GROUPING OF THE CLAIMS, recited on Brief pages 4 and 5, and further failed to indicate whether each of Claims 49 and 63 is separately patentable or, stands or falls together with some other Claim. Claim 49 stands rejected under 35 U.S.C. 103 and each of Claims 49 and 63 stands rejected under double patenting considerations. Yet, incongruously, the Appellant concluded on Brief page 12 that Claim 49 is patentable over the prior art information applied under 35 U.S.C. 103. Further, in Section IX. CONCLUSION on Brief page 19, the Appellant indicated that a terminal disclaimer would be forthcoming upon expressed allowance of Claim 63. Until receipt of an acceptable Terminal Disclaimer, Claim 63 and all other pending Claims stand rejected under double patenting considerations, not expressly argued in the Brief.

We require the Appellant to comply with the provisions of 37 CFR 1.192(c). We grant a TIME LIMIT of ONE MONTH from the date of this letter or any time remaining in the period under 37 CFR 1.192(a) for filing a new complete brief. If a new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed as of the date of expiration of the period provided by 37 CFR 1.192(a). NO EXTENSION OF THIS ONE MONTH TIME LIMIT MAY BE OBTAINED UNDER EITHER 37 CFR 1.136(a) OR (b), but the original TWO-MONTH period under 37 CFR 1.192(a) for filing the brief may be extended under 37 CFR 1.136(a) up to SIX MONTHS from the date of the notice of appeal.

Respectfully submitted.

James J. Carroll
Primary Examiner